## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA CIVIL TRIAL MINUTES

Phoenix Division
HON: NEIL V. WAKE
<u>CV 15-01132-PHX-NVW</u> DATE: <u>12/13/2017</u>
Austin Flake, et al  Plaintiff(s)  v. Joseph Arpaio, et al  Defendant(s)
Deputy Clerk: Rebekka Walder Court Reporter: Laurie Adams
Stephen Montoya and Richard Trujillo with Plaintiffs Austin Flake and Logan Brown Plaintiff(s) counsel
Evan Hiller and Jeffrey Leonard on behalf of Defendants  Defense counsel
PROCEEDINGS:/X/JURY TRIAL /_/COURT TRIAL /_/VOIR DIRE /_/JURY SWORN
Trial Day #5 Waiver of Jury trial filed
9:01 a.m. Reconvene. Jury is not present. Final Jury Instructions are discussed. The Court advises the parties

11:03 a.m. Reconvene. Jury is not present. The parties advise the Court that they will be taking a witness out of order due to a scheduling issue. 11:05 a.m. Jury is present. Shawn Steinberg is sworn and examined. Exhibit 30f is admitted over objection of Plaintiffs. Defendants move for the admission of Exhibit 30i. Plaintiffs object. Sidebar discussion held. Plaintiffs' objection overruled and Exhibit 30i is admitted. 12:09 p.m. Jury is excused from the courtroom and court remains in session. Matters discussed.

that the testimony of M.L. "Andy" Anderson will be excluded, for reasons stated on the record. 9:13 a.m. Jury is present. **Plaintiffs' case continued:** Austin Flake, previously sworn, is further examined. 10:37 a.m. Jury is

excused from the courtroom and court remains in session. Matters discussed. 10:43 a.m. Recess.

**IT IS ORDERED** that the portion of the order of August 31, 2017, (Doc. 134), that grants summary judgment in favor of defendant Marie Trombi is vacated.

Trial schedule is discussed. 12:16 p.m. Recess.

1:22 p.m. Reconvene. Jury is present. Shawn Steinberg is further examined. Defendants move for the admission of Exhibit 71. Plaintiffs object. Sidebar discussion held. Plaintiffs' objection to the admission of Exhibit 71 is sustained. Exhibit 12 is admitted. After a sidebar discussion is held, Exhibit 2 is admitted for the limited purpose of showing what contentions were made in Plaintiffs' motion to dismiss the criminal case, in response to which the Court Attorney announced that the case would be dismissed for failure to take into account the possible malfunctioning of the air conditioning. 3:10 p.m. Jury is excused from the courtroom and court remains in session. Matters discussed. 3:17 p.m. Recess.

3:33 p.m. Reconvene. Jury is present. Shawn Steinberg is further examined. Witness is excused. Austin Flake is further examined. Exhibits 54 and 55 are admitted. Exhibit 45 is admitted with noted redactions. Defendants move to admit Exhibit 51. Plaintiffs object. Sidebar discussion held. Plaintiffs' objection to the admission of Exhibit 51 is sustained. Exhibit 52 is admitted over the objection of Plaintiffs. 5:00 p.m. Jury is excused until 9:30 a.m. on December 14, 2017, and court remains in session. Final Jury Instructions are reviewed. Plaintiffs' Exhibit 2 is discussed. Demonstrative exhibit (Exhibit F to Exhibit 2) is admitted as Plaintiffs' Exhibit 20.

**IT IS FURTHER ORDERED** reversing the admission of Exhibit 30a.

5:16 p.m. Court is adjourned until 8:30 a.m. on December 14, 2017.